

REMARKS

In response to the final Office Action of December 4, 2008, applicant asks that all claims be allowed in view of the foregoing amendments and the following remarks.

Claims 1-10, 12-14, 19, 20, 25, 26, 29, 30, 33, 34, 40-51, and 53-60 are pending, with claims 1, 19, 20, 25, 33, 34, and 58-60 being independent. Claims 1, 12-14, 19, 20, 25, 26, 33, and 34 have been amended. Claims 11, 15-18, 21-24, 27, 28, 31, 32, 35-39, and 52 have been cancelled without prejudice or disclaimer of subject matter. Claims 59 and 60 have been added. Support for the new claims is found in the application at, for example, page 2, lines 23-24 and page 6, lines 21-26.

Initially, applicant acknowledges with appreciation Examiner Gold's indication that dependent claims 16 and 28 would be allowable if rewritten in independent form and that independent claim 58 and its dependent claim 42 are allowable. In response, applicant has incorporated the subject matter indicated as allowable into the independent claims. In particular, the amendments to independent claims 1, 19, and 20 incorporate features previously presented in cancelled dependent claim 16, which was indicated as reciting allowable subject matter. The amendments to independent claims 25, 33, and 34 incorporate features previously presented in cancelled dependent claim 28, which also was indicated as reciting allowable subject matter. Accordingly, this application is believed to be in condition for allowance.

Additionally, applicant thanks Examiner Gold for the courtesies extended to the undersigned during the telephone interview of January 28, 2009. During the interview, the undersigned proposed amendments to independent claims 19, 20, 33, and 34 as shown above. The undersigned also proposed to add new independent claims in other statutory classes that recite subject matter similar to that recited in allowed independent claim 58. Examiner Gold indicated that such amendments and new claims would be allowable so long as the amendments and new claims recited the subject matter indicated as allowable in the final Office Action.

As shown above, applicant has amended the claims as discussed in the interview by incorporating subject matter indicated as allowable into independent claims 1, 19, 20, 25, 33, and 34. Because the amendments to these claims reflect features previously presented in cancelled dependent claims 16 and 28, applicant believes that no new search is necessitated by the amendments and the amendments should be entered. Additionally, the amendments are believed

to place the application in condition for allowance, and, thus, the amendments are believed to be proper. See MPEP § 714.12.

Claim Rejections—35 U.S.C. § 103

Claims 1-10, 12-14, 19, 20, 25-27, 29, 30, 33, 34, 40, 41, 43-51, and 53-57 have been rejected as being unpatentable over U.S. Patent No. 6,052,709 (Paul). Applicant requests reconsideration and withdrawal of this rejection as moot because independent claims 1, 19, 20, 25, 33, and 34 have been amended to incorporate subject matter indicated as allowable. Accordingly, applicant requests reconsideration and withdrawal of the rejection of independent claims 1, 19, 20, 25, 33, and 34 and their dependent claims 2-10, 26, 29, 30, 41, 43-51, and 53-57.

New Claims 59 and 60

New independent claims 59 and 60 recite subject matter similar to independent claim 58, except claims 59 and 60 do so in the context of an apparatus and a method, respectively. Accordingly, claims 59 and 60 are believed to be allowable for at least the reasons that independent claim 58 is allowable.

Conclusion

Applicant submits that all claims are in condition for allowance and applicant looks forward to receiving a Notice of Allowance at the Examiner's earliest convenience. The Examiner is encouraged to contact the undersigned should any additional issues with respect to this application arise.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, objection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or

Applicant : William N. Youstra
Serial No. : 09/867,797
Filed : May 31, 2001
Page : 16 of 16

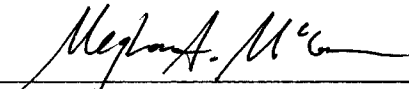
Attorney's Docket No.: 06975-0107001 / Security 07

cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejected claims in further prosecution of this or related applications.

The \$544.00 for excess claim fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. No other fees are believed due. Nonetheless, please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: February 4, 2009



Meghan A. McGovern
Reg. No. 60,476

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (877) 769-7945